



staff report 13-A

TO: Honorable Mayor and Members of the City Council

FROM: Ryan Smoot, City Manager

SUBJECT: Consideration and possible action to consider placing a ballot measure for consideration by the voters on the November 5, 2024, Special and General Election ballot by adopting the following Resolutions:

Resolution No. 24-40 – A Resolution adding a proposition to the ballot for the previously called November 5, 2024, Special and General Municipal Election pursuant to Elections Code § 9222; and

Resolution No. 24-41 – A Resolution requesting the Board of Supervisors of the County of Los Angeles to add a proposition to the previously consolidated Special and General Municipal Election to be held on November 5, 2024, with the General Election to be held on that date pursuant to Elections Code § 10403; and

Resolution No. 24-42 – A Resolution directing the City Attorney to prepare an impartial analysis of the proposition seeking voter approval for a City Charter; and

Resolution No. 24-43 – A Resolution establishing requirements for ballot arguments filed with the City Clerk to be included with voter information for the Special and General Municipal Election on November 5, 2024.

DATE: July 8, 2024

EXECUTIVE SUMMARY

On April 8, 2024, and May 13, 2024, the City Council held the required public hearings to gather input from community members on a potential Charter ballot measure. These hearings play an important role in the Charter process by giving community members the chance to share their thoughts and opinions before the City Council considered placing a proposition onto the November 5, 2024 ballot to consider adopting a city charter.

To encourage participation in the process, and ensure that more voters were heard, the City enlisted the assistance of Fairbank, Maslin, Maullin, Metz & Associates (“FM3”) to gather additional public input and thoughts about the issue beyond any statutory requirements.

Staff Report – Potential City Charter Ballot Measure

July 8, 2024

Page 2 of 4

EXECUTIVE SUMMARY – Continued

The findings of this survey were presented to the City Council during the May 13, 2024, regular City Council meeting by FM3 Consultant Richard Bernard. The survey results showed that two-thirds of respondents initially support the Charter Measure and after an objective description of the Charter, support increased from 67% to 73%. Overall, the survey showed that support for the Charter remained far above the simple majority threshold and above the margin of error. Following the survey, the City continued to solicit feedback through a “Feedback Form” on the City’s website.

As directed at the April 8, 2024, Regular City Council Meeting, the City Manager and City Attorney prepared the necessary documents to add this potential ballot measure to the November 5, 2024, general election. If the City Council chooses to place the City Charter proposition onto the November 5, 2024 ballot, it should take the actions recommended in this Report.

RECOMMENDATION TO CITY COUNCIL

1. Adopt Resolution Nos. 24-40 through 24-43;
2. If desirable, designate one or more Council Members to draft an argument in favor of the ballot proposition; or
3. Alternatively, discuss and take other action related to this item.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The City reviewed the environmental impacts of this activity under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the “CEQA Guidelines”). This activity is exempt from review under CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, there is possibility that it may have a significant effect on the environment, and does not constitute a “project” as defined in CEQA Guidelines. These Resolutions are for general policies and procedure-making. They do not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment. Accordingly, Accordingly, this activity is exempt from further review.

FISCAL IMPACT

The estimated cost to add a citywide ballot measure to the November 5, 2024, Election ballot is \$175,000. Funds are budgeted in Account No. 010-43600-1210.

If the City Charter is approved by Bellflower voters, there could be potential savings for non-traditional infrastructure projects, and for economic development and other programs.

Staff Report – Potential City Charter Ballot Measure

July 8, 2024

Page 3 of 4

DISCUSSION

California law classifies cities into two general classes: (1) general law cities; and (2) charter cities. As a general law City, the City is subject to all California laws regardless of the City's local needs or goals. A "City Charter" is a document that defines a city's powers, functions and essential procedures of a city government. It is comparable to the Constitution of the United States or a state's constitution. Being a charter city allows a city to exercise its full authority over the municipal affairs of the City.

Becoming a charter city would give the City – and City Council – greater local authority over Bellflower's municipal affairs. This proposed ballot measure would establish Bellflower as a charter city to provide more local control in determining future land use decisions, contracting procedures and other municipal affairs.

About one-quarter of California cities are charter cities, including Downey, Cerritos, Long Beach, Whittier, and Signal Hill.

The measure does not give the City Council additional powers to raise taxes. Any tax measures must continue to conform with the California Constitution and will still require voter approval.

Becoming a charter city could potentially reduce the City's costs and improve efficiency for infrastructure contracts related to Bellflower's Business Assistance Plan, neighborhood revitalization, and creating housing for working and middle-class individuals and families. This could save the City substantial amounts of taxpayer dollars each year—funds that could be used for other vital city services, and would keep local decision making authority in the hands of Bellflower residents instead of the legislature in Sacramento.

BACKGROUND

In February 2019, the City Council formed a community subcommittee comprised of two Council Members and seven citizens representing local small businesses, public safety professionals, residents and community groups to consider the benefits of drafting a charter for the City of Bellflower and present their findings to the City Council. The underlying basis for this action was the California Legislature's ongoing efforts to limit local control over traditional City functions. After conducting four meetings, the Subcommittee provided draft charter language recommendations to the City Council. The Special City Council Meeting Staff Report on the Subcommittee's recommendations is attached for reference. At the Special City Council Meeting, the City Council requested minor amendments to the City Charter, which were incorporated into the Charter document presented here.

In May 2022, there were two special City Council meetings regarding potential ballot measures for the November 8, 2022, General Election. At the first Special Meeting on May 3, 2022, the current draft of the Bellflower City Charter was provided to the City Council for consideration as a potential ballot measure. At this meeting, the City Attorney noted that an amendment to Section 7.C was made to the Charter which clarifies that the City would adhere to the established prevailing wage as opposed to implementing its own maintenance related types of wages for "public projects erecting, improving, painting, or repairing public buildings and projects." Following discussion, it was the consensus of the City Council to accept the revised City Charter.

Staff Report – Potential City Charter Ballot Measure

July 8, 2024

Page 4 of 4

BACKGROUND – Continued

At the City's request, FM3 conducted a voter survey in 2022 which showed overall support for the Charter. However, due to timing constraints, the charter ballot measure was not able to proceed during the November 2022 Election cycle, but the City continued to gather input from residents regarding the potential charter.

On April 8, 2024, and May 13, 2024, the City Council held the required public hearings to gather input from community members on a potential Charter ballot measure.

To further participation in the process, and ensure that more residents were heard, the City again enlisted the assistance of FM3 to gather additional resident input and thoughts about the issue beyond any statutory requirements. The findings of this survey were presented to the City Council during the May 13, 2024, Regular City Council meeting by FM3 Consultant Richard Bernard. The survey results showed that two-thirds initially support the Charter Measure and after an objective description of the Charter, support increased from 67% to 73%. Overall, the survey showed that support for the Charter Measure remained far above the simple majority threshold and above the margin of error. Following the survey, the City continued to solicit feedback through a "Feedback Form" on the City's website.

As directed at the April 8, 2024, Regular City Council Meeting, staff prepared the necessary documents to add this potential ballot measure to the November 5, 2024, General Election. If the City Council chooses to have the City Charter added as a ballot measure for the November 5, 2024, General Election, it would take the actions recommended in this Staff Report.

ATTACHMENTS

A. Resolution No. 24-40 (adding ballot measure).....	5
Exhibit A – Bellflower City Charter.....	7
B. Resolution No. 24-41 (requesting consolidation)	11
C. Resolution No. 24-42 (impartial analysis)	19
D. Resolution No. 24-43 (requirements for ballot arguments)	21
E. October 28, 2019 Staff Report	23

CITY OF BELLFLOWER

RESOLUTION NO. 24-40

A RESOLUTION ADDING A PROPOSITION TO THE BALLOT FOR THE PREVIOUSLY CALLED NOVEMBER 5, 2024, SPECIAL AND GENERAL MUNICIPAL ELECTION PURSUANT TO ELECTIONS CODE § 9222

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Elections Code § 9222, the City Council places a proposition on the ballot for the Special and General Municipal Election scheduled for Tuesday, November 5, 2024, as previously established and implemented by City Council Resolution No. 24-28 adopted on June 10, 2024.

SECTION 2. A copy of the proposition to be considered by the voters is attached as Exhibit “A,” and incorporated by reference.

SECTION 3. Pursuant to Elections Code §§ 9222 and 13119, the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

Shall the Bellflower City Charter to establish Bellflower as a charter city, which would give Bellflower more authority over city affairs and local laws to make sure they are tailored to the specific needs of the City; give the City more local control in determining land use; reduce the influence of outside agencies, including the State of California; and would require all changes to the charter be approved by voters, be approved?	YES
	NO

SECTION 4. The City Clerk must certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

SECTION 5. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

**City of Bellflower
Resolution No. 24-40
Page 2 of 2**

SECTION 6. The Mayor, or presiding officer, is hereby authorized to affix a signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or his duly appointed deputy, is directed to attest thereto.

SECTION 7. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER ON THIS 8TH DAY OF JULY, 2024.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Attachment:

Exhibit A – Full Text of the Ballot Measure

EXHIBIT A

FULL TEXT OF THE BALLOT MEASURE

CITY OF BELLFLOWER

ORDINANCE NO. 1432

A PROPOSITION ADOPTING A CITY CHARTER FOR THE CITY OF BELLFLOWER IN ACCORDANCE WITH GOVERNMENT CODE § 34458

THE PEOPLE OF THE CITY OF BELLFLOWER DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Charter set forth in attached Exhibit “A,” and incorporated by reference, is approved by the voters.

SECTION 2. In accordance with Government Code § 34458.5, the City Charter would result in new city powers as follows:

- A. The City Council may adopt land use regulations to maintain the City’s municipal affairs that may differ from those imposed by the state of California (Section III(C)).
- B. There will be no change in the City Council’s ability to raise its own compensation in accordance with California law, i.e., it must comply with Government Code § 36516 (See Section IV(B)).
- C. There will be no change in the City Council’s ability to set the compensation of other appointed officials in accordance with California law.
- D. Any change to district elections must be made by ordinance adopted by a four-fifths vote of all members of the City Council (Section IV(D)).
- E. The City Council may establish rules and regulations for all public works contracts that may differ from the California Public Contracts Code and may, in addition, pay a wage for public works projects that may differ from that in the California Labor Code (Section VII(A, B, and C). Notwithstanding the foregoing, the City Council must pay prevailing wage for public projects erecting, improving, painting, or repairing public buildings and project (Section VII(C)).

SECTION 3. *Environmental Analysis.* This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (*see specifically* 14 CCR § 15378(b)(4-5)).

SECTION 4. *Interpretation.* This Proposition must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Proposition is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Proposition. The voters declare that this Proposition, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Proposition is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Proposition that can be given effect without the invalid application.

SECTION 5. *Severability.* If any portion of this Proposition is held by a court of competent jurisdiction to be invalid, the remainder of the Proposition and the application of such provision to other persons or circumstances will not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Proposition by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Proposition, and then adopting or reenacting such portion as necessary or desirable to allow imposition of the tax.

SECTION 6. *Construction.* This Proposition must be broadly construed in order to achieve the purposes stated in this Proposition. It is the intent of the voters that the provisions of this Proposition be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Proposition.

SECTION 7. *Filing and Recording.* Three copies of the complete text of the approved City Charter must be certified and authenticated by the Mayor and the City Clerk, attesting to the submission of the City Charter to the voters, and their ratification of it. The City Clerk is directed to record one copy of the City Charter with the Los Angeles County Recorder and to file one copy in the City's archives. The City Clerk is further directed to file a third copy of the City Charter with the California Secretary of State. The copies of the City Charter recorded with the Los Angeles County Recorder and in the City's archive must be accompanied with the following:

- A. Certified copies of all publications and notices required of the City in connection with the calling of an election to propose the City Charter.
- B. Certified copies of any arguments for or against the City Charter proposal that were mailed to voters pursuant to Elections Code § 9281 and § 13303.
- C. A certified abstract of the vote at the election at which the City Charter proposal was approved by the voters.

SECTION 8. *Effective Date.* If the voters vote in favor of the City Charter, it is ratified and will take effect upon being accepted and filed by the Secretary of State pursuant to Government Code § 34460.

I HEREBY CERTIFY MEASURE ____ (ORDINANCE NO. 1432) WAS PASSED, APPROVED, AND ADOPTED BY A VOTE OF THE PEOPLE OF THE CITY OF BELLFLOWER ON NOVEMBER 5, 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment:

Exhibit A – City Charter

EXHIBIT A
CITY CHARTER

CHARTER FOR THE CITY OF BELLFLOWER

I. Preamble

We, the People of the City of Bellflower, do not yield our sovereignty to public officials who serve them. The need for the People's consent to be governed is inherent within our democracy. It is only the People in the City of Bellflower who can determine the course of the City's destiny and vigilantly exercise all powers not specifically granted to the City by this Charter. In adopting this Charter, therefore, the People delegate authority for governance to locally elected and appointed officials who must faithfully serve the residents of the City of Bellflower. By doing so, the People assert their desire for local control over the City's municipal affairs; their freedom to decide their own destiny; and their rejection of efforts by agencies outside of the City's jurisdiction seeking to impose policies upon the City's residents without their approval.

II. Municipal Affairs; Generally.

The City of Bellflower has the power to make and enforce all laws respecting its municipal affairs as described by this Charter and established by the California Constitution, California statute, or judicially defined laws. This power is limited only as set forth in this Charter and the California Constitution. Such powers are in addition to those granted or prescribed by any applicable law for municipal corporations within the state of California. Each of the responsibilities of governance set forth and described in

this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is declared to be a municipal affair or concern, the performance of which is unique to the benefit of the residents of the City of Bellflower. Enumeration by this Charter of any particular power does not constitute a limitation upon the City's general grant of powers under applicable law.

III. General Laws; City Council Authority.

A. General Laws. In addition to the powers granted by this Charter and the California Constitution, the City has the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter control.

B. Enactment of Laws; Exercise of Authority. Elected and appointed officials who exercise the powers granted by this Charter are prohibited from favoring or unlawfully discriminating against persons based upon a legally protected classification; socio-economic status; or cultural heritage. When enacting laws pursuant to this Charter, the City Council must include a finding that such laws will not unduly burden a person's ability to pursue economic opportunities and safe and legal residential housing.

C. Land Use. Except as otherwise provided by City Council ordinance, the City is governed by California law as it applies to general law cities with respect to the application, interpretation and enforcement of land use matters including, without limitation, the requirement of consistency between the General Plan and zoning regulations.

IV. Governance; Elections.

A. City Council. The City Council is comprised of five persons elected in accordance with this Charter and applicable law. Except as otherwise provided by applicable law, persons currently holding office, and within six months after holding office, are ineligible to hold any other office or employment with the City. Except as otherwise provided by this Charter or the California Constitution, the City Council is vested with all powers of the City.

B. City Council Compensation. The City Council is prohibited from adopting regulations that would result in compensating elected officials in an amount greater than allowed by California law regulating general law cities. Nothing in this Charter requires the City Council to receive any compensation; the City Council may, by resolution, opt to forego compensation of any kind.

C. Officers. The City's officers are the five members of the City Council, the City Manager, the City Attorney, and the City Clerk. The City Council will appoint the City Manager, City Attorney, and City Clerk.

D. Districts. Any change to district elections as it exists at the time this

Charter becomes effective must be made by ordinance adopted by a four-fifths vote of all members of the City Council.

E. Emergency Services Coordination. The City Council will review the City's local emergency preparedness plan on a regular basis in accordance with California law.

F. Reconsideration. Beginning in the year 2021, when decennial census data gathered pursuant to Article 1, Section 2 of the United State Constitution becomes available, the City Council may hold a public hearing to determine whether to change the manner of district voting in accordance with IV(D) of this Charter and then applicable law.

V. Revenue.

The City Council is authorized to, by ordinance or resolution, establish standards, procedures, rules or regulations to identify, solicit, receive, or generate revenue for the public benefit of any kind. In doing so, the City Council is specifically (but without limitation) authorized to undertake the following actions:

A. Public Financing. The City, by ordinance, may establish standards, procedures, rules or regulations related to any public financing.

B. Franchises. The City, by ordinance, may acquire, develop, or operate any public utility. It may also, by ordinance, grant franchises to a public utility that proposes to use or is using public streets, highways or other rights-of-way.

C. Enterprises. The City may own and operate any enterprise the City Council finds necessary to benefit the public welfare.

D. Fiscal Responsibility and Stability. The City must maintain sustainable public finances; ensure City policies aids economic growth; and invest appropriate levels of public resources to support infrastructure, recreation, and public safety. While doing so, the City Council must ensure that it holds at least 20% of the City's general fund revenue in reserves. Upon declaring a fiscal emergency by 4/5 vote, the City Council may reduce this percentage to a level that is reasonable under the circumstances of the fiscal emergency.

VI. Intergovernmental Immunity.

A. City Revenues. All revenues generated or collected by the City for any public purpose cannot be involuntarily retained, attached, withdrawn or otherwise taken by any other governmental entity including, without limitation, the state of California or any of its subdivisions.

B. Uncompensated Mandates. Elected or appointed person acting on the City's behalf cannot be compelled to perform services by any other governmental entity including, without limitation, the state of California or any of its subdivisions, without adequate compensation.

VII. Public Works Projects.

The City Council may, by ordinance, establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any

public works contract, including, without limitation, the compensation rates to be paid for the performance of such work. In doing so, the City Council should utilize best practices, avoid discrimination, encourage diversity, and may incorporate the following concepts:

A. Projects must be competitively bid. Contracts should be awarded to the lowest responsible bidder as defined in this Charter or the City should reject all bids. The lowest responsible bidder may be selected on the basis of the best value to the City.

B. "Best value" means a procurement process whereby the lowest responsible bidder may be selected on the basis of objective criteria for evaluating the qualifications of bidders with the resulting selection representing the best combination of price and qualifications.

C. Wages. The City Council may establish criteria to determine whether a project qualifies for payment of a minimum wage different than that ordinarily prevailing for work performed on public works projects as defined by California law. In lieu of paying a minimum prevailing wage generally required by California law for public works projects, the City Council may enter into a "project labor agreement" that establishes terms and conditions of employment for a specific construction project or projects and is an agreement described in 29 United States Code § 158(f). Notwithstanding any other part of this Section, the City Council must pay prevailing wage for public projects erecting, improving, painting, or repairing public buildings and projects.

VIII. Interpretation; City Council Authority; Continuity of Existing Laws.

A. Construction and Interpretation. This Charter must be broadly construed in order to achieve its purposes. It is the intent of the voters that the provisions of this Charter be interpreted and implemented by the City in a manner that liberally facilitates the City's exercise of powers regarding any matter that constitutes a municipal affair.

B. The People acknowledge that new information and future events may demonstrate that interpretation of this Charter is appropriate with respect to the details of implementing this Charter. The People desire, therefore, to retain a certain degree of flexibility with respect to the details of implementing those items addressed in general terms in this Charter. If and when, from time to time, the City Council finds that interpretation of this Charter is necessary, then such interpretation may be accomplished by written resolution adopted upon four-fifths vote of all members of City Council.

C. City Council Authority. Except for amendments that would frustrate the powers and authority set forth in this Charter, the City Council may exercise all applicable powers set forth in the California Government Code including, without limitation, implementing all aspects of this Charter by ordinance or resolution.

D. Continuity. Nothing in this Charter is intended to, nor does it, repeal any provision of the Bellflower Municipal Code as it existed on the effective date of this Charter. Nor does the Charter affect any penalty, forfeiture, or liability incurred

before, or preclude prosecution and imposition of penalties for any violation occurring before this Charter's effective date.

E. Severability. If any part of this Charter or its application is deemed invalid by a court of competent jurisdiction, the People intend that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Charter are severable.

F. Invalidity. If any portion of this Charter is held by a court of competent jurisdiction to be invalid, we the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Charter by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Charter, and then adopting or reenacting such portion as necessary or desirable to implement this Charter.

G. Amendment. Any amendment to this Charter must be accomplished by then existing California law and with a majority of voter approval.

CITY OF BELLFLOWER

RESOLUTION NO. 24-41

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO ADD A BALLOT PROPOSITION TO THE PREVIOUSLY CONSOLIDATED SPECIAL AND GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO ELECTIONS CODE § 10403

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds as follows:

A. The City Council called a Special and General Municipal Election to be held on Tuesday, November 5, 2024, for the purpose of electing three members of the City Council; and requested consent from the Board of Supervisors of the County of Los Angeles to consolidate such election to be held with the General Election on that same date.

B. The City Council now desires to add a ballot proposition to the previously called and consolidated Special and General Municipal Election to be held on November 5, 2024.

SECTION 2. Pursuant to the requirements of Elections Code § 10403, the Board of Supervisors of the County of Los Angeles is requested to consent and agree to the consolidation of a proposition on the ballot for the Special and General Municipal Election consolidated with the General Election on Tuesday, November 5, 2024.

SECTION 3. Pursuant to Elections Code §§ 9222 and 13119, the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

Shall the Bellflower City Charter to establish Bellflower as a charter city, which would give Bellflower more authority over city affairs and local laws to make sure they are tailored to the specific needs of the City; give the City more local control in determining land use; reduce the influence of outside agencies, including the State of California; and would require all changes to the charter be approved by voters, be approved?	YES
	NO

SECTION 4. The complete text of the proposed ballot measure to be submitted to the voters is attached as Exhibit A, Full Text of the Ballot Measure.

SECTION 5. The vote requirement for the proposed ballot measure to pass is a majority (50% + 1) of the votes cast.

SECTION 6. The County election department is authorized to canvass the returns of the General Municipal Election. The election will be held in all respects as if there were only one election and only one form of ballot may be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide or special election.

SECTION 7. The Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 8. The City of Bellflower recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 9. The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors and the County election department of the County of Los Angeles.

SECTION 10. The City Clerk will certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

SECTION 11. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 12. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 13. This Resolution will become effective immediately upon adoption.

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**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY
OF BELLFLOWER ON THIS 8TH DAY OF JULY, 2024.**

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Attachment:

Exhibit A – Full Text of the Ballot Measure

EXHIBIT A

FULL TEXT OF THE BALLOT MEASURE

CITY OF BELLFLOWER

ORDINANCE NO. 1432

A PROPOSITION ADOPTING A CITY CHARTER FOR THE CITY OF BELLFLOWER IN ACCORDANCE WITH GOVERNMENT CODE § 34458

THE PEOPLE OF THE CITY OF BELLFLOWER DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Charter set forth in attached Exhibit “A,” and incorporated by reference, is approved by the voters.

SECTION 2. In accordance with Government Code § 34458.5, the City Charter would result in new city powers as follows:

- A. The City Council may adopt land use regulations to maintain the City’s municipal affairs that may differ from those imposed by the state of California (Section III(C)).
- B. There will be no change in the City Council’s ability to raise its own compensation in accordance with California law, i.e., it must comply with Government Code § 36516 (See Section IV(B)).
- C. There will be no change in the City Council’s ability to set the compensation of other appointed officials in accordance with California law.
- D. Any change to district elections must be made by ordinance adopted by a four-fifths vote of all members of the City Council (Section IV(D)).
- E. The City Council may establish rules and regulations for all public works contracts that may differ from the California Public Contracts Code and may, in addition, pay a wage for public works projects that may differ from that in the California Labor Code (Section VII(A, B, and C). Notwithstanding the foregoing, the City Council must pay prevailing wage for public projects erecting, improving, painting, or repairing public buildings and project (Section VII(C)).

SECTION 3. *Environmental Analysis.* This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (*see specifically* 14 CCR § 15378(b)(4-5)).

SECTION 4. *Interpretation.* This Proposition must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Proposition is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Proposition. The voters declare that this Proposition, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Proposition is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Proposition that can be given effect without the invalid application.

SECTION 5. *Severability.* If any portion of this Proposition is held by a court of competent jurisdiction to be invalid, the remainder of the Proposition and the application of such provision to other persons or circumstances will not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Proposition by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Proposition, and then adopting or reenacting such portion as necessary or desirable to allow imposition of the tax.

SECTION 6. *Construction.* This Proposition must be broadly construed in order to achieve the purposes stated in this Proposition. It is the intent of the voters that the provisions of this Proposition be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Proposition.

SECTION 7. *Filing and Recording.* Three copies of the complete text of the approved City Charter must be certified and authenticated by the Mayor and the City Clerk, attesting to the submission of the City Charter to the voters, and their ratification of it. The City Clerk is directed to record one copy of the City Charter with the Los Angeles County Recorder and to file one copy in the City's archives. The City Clerk is further directed to file a third copy of the City Charter with the California Secretary of State. The copies of the City Charter recorded with the Los Angeles County Recorder and in the City's archive must be accompanied with the following:

- A. Certified copies of all publications and notices required of the City in connection with the calling of an election to propose the City Charter.
- B. Certified copies of any arguments for or against the City Charter proposal that were mailed to voters pursuant to Elections Code § 9281 and § 13303.
- C. A certified abstract of the vote at the election at which the City Charter proposal was approved by the voters.

SECTION 8. *Effective Date.* If the voters vote in favor of the City Charter, it is ratified and will take effect upon being accepted and filed by the Secretary of State pursuant to Government Code § 34460.

I HEREBY CERTIFY MEASURE ____ (ORDINANCE NO. 1432) WAS PASSED, APPROVED, AND ADOPTED BY A VOTE OF THE PEOPLE OF THE CITY OF BELLFLOWER ON NOVEMBER 5, 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment:

Exhibit A – City Charter

EXHIBIT A
CITY CHARTER

CHARTER FOR THE CITY OF BELLFLOWER

I. Preamble

We, the People of the City of Bellflower, do not yield our sovereignty to public officials who serve them. The need for the People's consent to be governed is inherent within our democracy. It is only the People in the City of Bellflower who can determine the course of the City's destiny and vigilantly exercise all powers not specifically granted to the City by this Charter. In adopting this Charter, therefore, the People delegate authority for governance to locally elected and appointed officials who must faithfully serve the residents of the City of Bellflower. By doing so, the People assert their desire for local control over the City's municipal affairs; their freedom to decide their own destiny; and their rejection of efforts by agencies outside of the City's jurisdiction seeking to impose policies upon the City's residents without their approval.

II. Municipal Affairs; Generally.

The City of Bellflower has the power to make and enforce all laws respecting its municipal affairs as described by this Charter and established by the California Constitution, California statute, or judicially defined laws. This power is limited only as set forth in this Charter and the California Constitution. Such powers are in addition to those granted or prescribed by any applicable law for municipal corporations within the state of California. Each of the responsibilities of governance set forth and described in

this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is declared to be a municipal affair or concern, the performance of which is unique to the benefit of the residents of the City of Bellflower. Enumeration by this Charter of any particular power does not constitute a limitation upon the City's general grant of powers under applicable law.

III. General Laws; City Council Authority.

A. General Laws. In addition to the powers granted by this Charter and the California Constitution, the City has the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter control.

B. Enactment of Laws; Exercise of Authority. Elected and appointed officials who exercise the powers granted by this Charter are prohibited from favoring or unlawfully discriminating against persons based upon a legally protected classification; socio-economic status; or cultural heritage. When enacting laws pursuant to this Charter, the City Council must include a finding that such laws will not unduly burden a person's ability to pursue economic opportunities and safe and legal residential housing.

C. Land Use. Except as otherwise provided by City Council ordinance, the City is governed by California law as it applies to general law cities with respect to the application, interpretation and enforcement of land use matters including, without limitation, the requirement of consistency between the General Plan and zoning regulations.

IV. Governance; Elections.

A. City Council. The City Council is comprised of five persons elected in accordance with this Charter and applicable law. Except as otherwise provided by applicable law, persons currently holding office, and within six months after holding office, are ineligible to hold any other office or employment with the City. Except as otherwise provided by this Charter or the California Constitution, the City Council is vested with all powers of the City.

B. City Council Compensation. The City Council is prohibited from adopting regulations that would result in compensating elected officials in an amount greater than allowed by California law regulating general law cities. Nothing in this Charter requires the City Council to receive any compensation; the City Council may, by resolution, opt to forego compensation of any kind.

C. Officers. The City's officers are the five members of the City Council, the City Manager, the City Attorney, and the City Clerk. The City Council will appoint the City Manager, City Attorney, and City Clerk.

D. Districts. Any change to district elections as it exists at the time this

Charter becomes effective must be made by ordinance adopted by a four-fifths vote of all members of the City Council.

E. Emergency Services Coordination. The City Council will review the City's local emergency preparedness plan on a regular basis in accordance with California law.

F. Reconsideration. Beginning in the year 2021, when decennial census data gathered pursuant to Article 1, Section 2 of the United State Constitution becomes available, the City Council may hold a public hearing to determine whether to change the manner of district voting in accordance with IV(D) of this Charter and then applicable law.

V. Revenue.

The City Council is authorized to, by ordinance or resolution, establish standards, procedures, rules or regulations to identify, solicit, receive, or generate revenue for the public benefit of any kind. In doing so, the City Council is specifically (but without limitation) authorized to undertake the following actions:

A. Public Financing. The City, by ordinance, may establish standards, procedures, rules or regulations related to any public financing.

B. Franchises. The City, by ordinance, may acquire, develop, or operate any public utility. It may also, by ordinance, grant franchises to a public utility that proposes to use or is using public streets, highways or other rights-of-way.

C. Enterprises. The City may own and operate any enterprise the City Council finds necessary to benefit the public welfare.

D. Fiscal Responsibility and Stability. The City must maintain sustainable public finances; ensure City policies aids economic growth; and invest appropriate levels of public resources to support infrastructure, recreation, and public safety. While doing so, the City Council must ensure that it holds at least 20% of the City's general fund revenue in reserves. Upon declaring a fiscal emergency by 4/5 vote, the City Council may reduce this percentage to a level that is reasonable under the circumstances of the fiscal emergency.

VI. Intergovernmental Immunity.

A. City Revenues. All revenues generated or collected by the City for any public purpose cannot be involuntarily retained, attached, withdrawn or otherwise taken by any other governmental entity including, without limitation, the state of California or any of its subdivisions.

B. Uncompensated Mandates. Elected or appointed person acting on the City's behalf cannot be compelled to perform services by any other governmental entity including, without limitation, the state of California or any of its subdivisions, without adequate compensation.

VII. Public Works Projects.

The City Council may, by ordinance, establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any

public works contract, including, without limitation, the compensation rates to be paid for the performance of such work. In doing so, the City Council should utilize best practices, avoid discrimination, encourage diversity, and may incorporate the following concepts:

A. Projects must be competitively bid. Contracts should be awarded to the lowest responsible bidder as defined in this Charter or the City should reject all bids. The lowest responsible bidder may be selected on the basis of the best value to the City.

B. "Best value" means a procurement process whereby the lowest responsible bidder may be selected on the basis of objective criteria for evaluating the qualifications of bidders with the resulting selection representing the best combination of price and qualifications.

C. Wages. The City Council may establish criteria to determine whether a project qualifies for payment of a minimum wage different than that ordinarily prevailing for work performed on public works projects as defined by California law. In lieu of paying a minimum prevailing wage generally required by California law for public works projects, the City Council may enter into a "project labor agreement" that establishes terms and conditions of employment for a specific construction project or projects and is an agreement described in 29 United States Code § 158(f). Notwithstanding any other part of this Section, the City Council must pay prevailing wage for public projects erecting, improving, painting, or repairing public buildings and projects.

VIII. Interpretation; City Council Authority; Continuity of Existing Laws.

A. Construction and Interpretation. This Charter must be broadly construed in order to achieve its purposes. It is the intent of the voters that the provisions of this Charter be interpreted and implemented by the City in a manner that liberally facilitates the City's exercise of powers regarding any matter that constitutes a municipal affair.

B. The People acknowledge that new information and future events may demonstrate that interpretation of this Charter is appropriate with respect to the details of implementing this Charter. The People desire, therefore, to retain a certain degree of flexibility with respect to the details of implementing those items addressed in general terms in this Charter. If and when, from time to time, the City Council finds that interpretation of this Charter is necessary, then such interpretation may be accomplished by written resolution adopted upon four-fifths vote of all members of City Council.

C. City Council Authority. Except for amendments that would frustrate the powers and authority set forth in this Charter, the City Council may exercise all applicable powers set forth in the California Government Code including, without limitation, implementing all aspects of this Charter by ordinance or resolution.

D. Continuity. Nothing in this Charter is intended to, nor does it, repeal any provision of the Bellflower Municipal Code as it existed on the effective date of this Charter. Nor does the Charter affect any penalty, forfeiture, or liability incurred

before, or preclude prosecution and imposition of penalties for any violation occurring before this Charter's effective date.

E. Severability. If any part of this Charter or its application is deemed invalid by a court of competent jurisdiction, the People intend that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Charter are severable.

F. Invalidity. If any portion of this Charter is held by a court of competent jurisdiction to be invalid, we the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Charter by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Charter, and then adopting or reenacting such portion as necessary or desirable to implement this Charter.

G. Amendment. Any amendment to this Charter must be accomplished by then existing California law and with a majority of voter approval.

CITY OF BELLFLOWER

RESOLUTION NO. 24-42

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSITION SEEKING VOTER APPROVAL FOR A CITY CHARTER

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Elections Code § 9280, the City Clerk is directed to transmit a copy of the ballot proposition adopted by the City Council on July 8, 2024, to the City Attorney for an impartial analysis.

SECTION 2. Upon receiving the ballot measure, the City Attorney is directed to prepare an impartial analysis of the proposed ballot measure showing its effect, if any, on existing law and the operation of the measure. Such analysis must not be more than 500 words.

SECTION 3. The impartial analysis must include a statement indicating whether the proposed measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City.

SECTION 4. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there must be printed immediately below the impartial analysis, in not less than 10 point bold type, the City Clerk should have the following language printed: "The above statement is an impartial analysis of the proposed ballot measure. If you desire a copy of the legislation affected by this measure, please call the City Clerk's Office at (562) 804-1424, extension 2220, and a copy will be mailed at no cost to you."

SECTION 5. The impartial analysis of the proposed ballot measure must be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 6. Pursuant to 52 U.S.C.A. § 10503, the City Clerk will:

- A. Translate the City Attorney's analysis in accordance with regulations set forth by the Los Angeles County Registrar Recorder's office; and
- B. Make copies of the translations of the City Attorney's analysis publicly available.

SECTION 7. The City Clerk will certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

SECTION 8. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 9. The Mayor, or presiding officer, is authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 10. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER ON THIS 8TH DAY OF JULY, 2024.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

CITY OF BELLFLOWER

RESOLUTION NO. 24-43

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR THE SPECIAL AND GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Elections Code § 9281, qualified voters may submit arguments for and against the ballot measures, in addition to rebuttal arguments, for the November 5, 2024, Special and General Municipal Election on forms provided by the City Clerk.

SECTION 2. Arguments filed in accordance with this Resolution must comply with the following requirements in accordance with Elections Code §§ 9282, 9283, 9285, and 9286:

- A. Arguments must be in writing and not exceed three hundred (300) words except for rebuttal argument which may not exceed two hundred and fifty (250) words;
- B. Arguments may be submitted by the City Council; any Council Member authorized to submit an argument by the City Council; any individual voter eligible to vote on the measures; any bona fide association of citizens; or any combination of voters and associations;
- C. Arguments must be accompanied by the printed name and signature or printed names and signatures of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.
- D. If more than five (5) signatures accompany an argument, only the first five will be printed.
- E. Arguments for or against the ballot measures must be received in the City Clerk's Office not later than 14 days after the City Council calls for an election. Rebuttal arguments must be received not later than 10 days after the Arguments submittal deadline.

SECTION 3. The City Clerk will certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

SECTION 4. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5. The Mayor, or presiding officer, is authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 6. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 7. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER ON THIS 8TH DAY OF JULY, 2024.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney



staff report

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey L. Stewart, City Manager

SUBJECT: Consideration and possible action to place a proposition on the March 2020 ballot regarding a City Charter recommended by the City Charter Ad Hoc Subcommittee.

DATE: October 28, 2019

EXECUTIVE SUMMARY

On February 11 and March 11, 2019, the City Council formed the City Charter Ad Hoc Subcommittee ("Subcommittee"). The Subcommittee was comprised of Mayor Pro Tem Juan Garza, Council Member Raymond Y. Hamada, and seven Bellflower residents tasked with developing a City Charter and making a recommendation to the City Council. The Subcommittee held four meetings on July 15, August 8, August 29, and September 19, 2019, to review potential Charter language and discuss recommendations for the City Council's consideration.

The Subcommittee's recommendation comes at an opportune time for several reasons discussed below. The City Council may choose to place the draft City Charter on the March 3, 2020 ballot. All required official documents must be approved by December 6, 2019.

RECOMMENDATION TO CITY COUNCIL

- 1) Discuss the draft City Charter recommended by the City Charter Ad Hoc Subcommittee;
- 2) Consider whether to place a proposition regarding the City Charter on the March 3, 2020 ballot; or
- 3) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

There is no significant cost associated with discussing the City Charter itself. The cost for placing a proposition on the ballot for the March 3, 2020 election will vary depending on the total number of propositions placed on that ballot. The threshold cost, however, is \$200,000 based upon information received from the City Clerk's office.

Staff Report – Charter City Ad Hoc Subcommittee Recommendations

October 28, 2019

Page 2 of 2

DISCUSSION

On February 11 and March 11, 2019, the City Council created the City Charter Ad Hoc Subcommittee comprised of Mayor Pro Tem Juan Garza, Council Member Raymond Y. Hamada, and the following seven individuals:

Chair Larry Wehage
Vice Chair Bob Snow
Subcommittee Member Chrissy Padilla Birkey
Subcommittee Member Mosheh Chanan
Subcommittee Member C.J. Nord
Subcommittee Member Cheryl Williams
Subcommittee Member Michele Worley

The Subcommittee met on July 15, August 8, August 29, and September 19, 2019. to review potential city charter language and discuss recommendations for City Council consideration.

The attached July 15, 2019, staff report for the Subcommittee provides a general overview of city charters. For Bellflower, the Subcommittee focused on the following areas in drafting the proposed City Charter:

- Revisiting the question of district based elections after every decennial census beginning in 2021;
- Allowing the City to establish standards for competitively bid public works projects and adopt objective criteria allowing an award of bid based on “best value”;
- Ensuring additional local controls over locally generated revenues;
- Providing limits on City Council compensation;
- Establishing specific requirements for maintaining sufficient general fund reserves; and
- Providing intergovernmental immunity from uncompensated mandates imposed by any other governmental entities.

The draft Charter is intentionally succinct yet broadly worded to provide the City Council maximum flexibility while at the same time protecting local control. Among other things, the draft Charter would provide the City with the best argument for avoiding unfunded and unwelcome mandates imposed by the California Legislature.

If the City Council chooses to move forward with seeking voter approval for a City Charter, it should first consider the draft recommended by the Subcommittee. Once an acceptable Charter is identified, then the Council should consider whether to place the Charter onto a ballot. The next available election is March 3, 2020. All documents related to that election must be adopted not later than December 6, 2019.

Please note that three documents have been attached to the staff report:

1. July 15, 2019, Staff Report to the Subcommittee;
2. Draft City Charter as recommended by the Subcommittee; and
3. Comments by Mayor Pro Tem Garza regarding his position on the Draft City Charter.



staff report

TO: Members of the Charter Ad Hoc Subcommittee

FROM: Jeffrey L. Stewart, City Manager

SUBJECT: Initial Meeting of Charter City Ad Hoc Subcommittee

Consideration and possible action to receive and file the report relative to the next steps.

DATE: July 15, 2019

EXECUTIVE SUMMARY

In February, the City Council formed a subcommittee to consider drafting a charter for the City of Bellflower. The underlying basis for this action was the California Legislature's ongoing actions to undermine cities' ability to govern themselves. If approved by voters, a City Charter may provide the City with the ability to exert greater autonomy (among other things) over its land use; economic development; and public works projects.

RECOMMENDATION TO SUBCOMMITTEE

- 1) Receive and file the report and provide direction to the City Manager, or designee, as desirable; or
- 2) Alternatively, discuss and take other action related to this item.

BACKGROUND

California has two types of cities: general law and charter cities. General law cities are subject to all limitations imposed by California law. The only powers general law cities may exercise are those conferred by the California Constitution and California law. When Bellflower incorporated in 1957, it did so as a "general law" city. As a general law city, Bellflower is required to comply with all aspects of California law.

➤ Charter Cities

Article XI, § 5(a), of the California Constitution – the "home rule" provision – affirmatively grants charter cities supremacy over "municipal affairs." Charter cities are governed, in part, by their charter which represents a "constitution" and has the same effect as California statutes. Accordingly, a city charter represents the supreme law of a city subject only to conflicting provisions in the California or United States constitutions and preemptive state law on matters of statewide concern. While the term "municipal affairs" is not defined in the California Constitution, there are many areas courts recognize as being exclusively within a charter city's home rule powers.

BACKGROUND - Continued

Whether an activity is a municipal affair or of statewide concern is a legal determination for the courts to resolve. Thus, the determination of whether a given activity is a municipal affair or statewide concern is done on a case by case basis. The court's determination will depend on the particular facts and circumstances of each case. Note that a "municipal affair" can change over time as local issues become statewide concerns.

➤ *Areas of Statewide Concern*

While not an exhaustive list, California courts recognize the following as matters of statewide concern:

- School systems;
- Regulating traffic and vehicles;
- Franchises for telephone or telegraph lines;
- Licensing of members of a trade or profession;
- Claims against a governmental entity;
- The Ralph M. Brown Act open meetings law;
- The Meyers-Milius-Brown Act regarding employee organization;
- The California Environmental Quality Act ("CEQA"); and
- Exercise of the power of eminent domain.

➤ *Municipal Affairs*

"Municipal affairs" – over which a charter city has complete control – are recognized (in part) as follows:

- Gifts of Public Funds. The constitutional ban on gifts of public funds does not apply to charter cities. This may be particularly important for Bellflower since dissolution of its Redevelopment Agency as the City works to revitalize its downtown.
- Planning and Land Use. The California Planning and Land Use Law generally does not apply to charter cities except to the extent that a charter city adopts these provisions. The same is true of zoning regulations. However, the Legislature and the courts have made certain other land use and zoning provisions applicable to charter cities, some of which are listed below:

BACKGROUND - Continued

- A charter city's general plan must contain all mandatory elements. However, charter cities need not comply with the zoning consistency provisions.
- Charter cities must follow minimum procedural standards in conducting land use hearings. However, noticing requirements are left to the discretion of the charter city, provided they meet due process requirements.
- Charter cities must comply with requirements for low- and moderate-income housing within coastal zones.
- Charter cities may not adopt ordinances that discriminate against residential development because of the method of financing, the race, sex, color, religion, national origin, ancestry, age, or economic statute of a tenant occupant.
- Charter cities must adhere to time limitations related to challenging land use decisions.
- Charter cities must comply with standards for approving housing developments including designating sufficient vacant land for residential use; refraining from imposing design criteria that inhibit the development of affordable housing; and refrain from imposing certain fees for public capital facility improvements related to a development project.
- Like general law cities, charter cities must provide density bonuses, incentives, and other concessions for low and moderate-income housing development.
- Charter cities are subject to the provisions of the Permit Streamlining Act, which governs the review and approval of development projects.
- Charter cities are subject to limits and procedures regarding the adoption of interim zoning ordinances.
- The Subdivision Map Act is applicable to charter cities.
- CEQA applies to charter cities.
- **Public Works.** A charter may regulate street improvements and establishment and maintenance of sewers and storm drains within the city's boundaries.
- **Public Works Contracts.** A charter city may provide – either in the charter or by ordinance – whether the Public Contract Code applies to public works projects. If a charter city opts not to follow the Public Contract Code, it is not required to only select the lowest bidder on a contract (unless federal or state grant monies require otherwise) and may select particular vendors.
- **Municipal Contracting.** Municipal contracting procedures are municipal affairs.

BACKGROUND - Continued

➤ *Legal/Practical Considerations*

Although not necessarily “disadvantages” to the adoption of a charter, the City Council should consider the following issues:

- Because a charter is a limitation on power, rather than a grant of powers, a charter should be carefully drafted to avoid denying the city powers that are otherwise available to general law cities. This also requires that the city take an active role in amending the charter to incorporate any new general law powers created by the legislature.
- The effect of change on both the city government and its constituents. General opposition and/or reluctance to change can create potential controversy.
- Determining whether specific matters are “municipal affairs” and further determining whether to litigate to exercise such powers. Although the above list of “municipal affairs” may seem broad, constant shifts in state law can affect a charter city’s powers. For example, a charter power to tax or to otherwise raise revenue, may not be immune from state legislation which reallocates or “raids” such municipal income. This is another area where the city would be required to stay on top of pending state legislation and try to stay ahead of the budgetary ax.

➤ *Procedures*

A city can adopt a charter two ways. First, a city council can draft a charter by itself and then place it on the ballot for voter consideration. Second, voters may elect a charter commission at a special or general election. That commission then drafts a charter and causes it to be placed on the ballot for voter consideration. The Bellflower City Council chose to explore drafting a charter by utilizing this subcommittee.

Whether drafted by the city council or by a charter commission, voters must approve a proposed charter. If approved by a majority of voters, the charter is deemed adopted and becomes effective upon being accepted by the California Secretary of State.

➤ *Form of the Charter*

City charters need not be complicated. While large cities – such as Los Angeles – do have lengthy charters, smaller cities may not. Attached is a draft charter for consideration. As may be read, that Charter contains, among other things, specific powers for public works contracts, public financing, and franchises.

BACKGROUND - Continued

➤ *Considerations for Bellflower*

Like all cities in California, Bellflower’s powers of self-governance are being eroded by the California Legislature. Land use regulations; opportunities for economic development; and the ability to contract with vendors that will serve the City best are constrained by state regulations that are frequently implemented by special interests lobbying the California Legislature. A city charter may be one tool to help Bellflower regain its ability to exert local sovereignty and best serve its residents.

ATTACHMENT

Draft City Charter	6
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CHARTER FOR THE CITY OF BELLFLOWER

I. Preamble

We, the People of the City of Bellflower, do not yield our sovereignty to public officials who serve them. The need for the People's consent to be governed is inherent within our democracy. It is only the People in the City of Bellflower who can determine the course of the City's destiny and vigilantly exercise all powers not specifically granted to the City by this Charter. In adopting this Charter, therefore, the People delegate authority for governance to locally elected and appointed officials who must faithfully serve the residents of the City of Bellflower. By doing so, the People assert their desire for local control over the City's municipal affairs; their freedom to decide their own destiny; and their rejection of efforts by agencies outside of the City's jurisdiction seeking to impose policies upon the City's residents without their approval.

II. Municipal Affairs; Generally.

The City of Bellflower has the power to make and enforce all laws respecting its municipal affairs as described by this Charter and established by the California Constitution, California statute, or judicially defined laws. This power is limited only as set forth in this Charter and the California Constitution. Such powers are in addition to those granted or prescribed by any applicable law for municipal corporations within the state of California. Each of the

responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is declared to be a municipal affair or concern, the performance of which is unique to the benefit of the residents of the City of Bellflower. Enumeration by this Charter of any particular power does not constitute a limitation upon the City's general grant of powers under applicable law.

III. General Laws; City Council Authority.

A. General Laws. In addition to the powers granted by this Charter and the California Constitution, the City has the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter control.

B. Enactment of Laws; Exercise of Authority. Elected and appointed officials who exercise the powers granted by this Charter are prohibited from favoring or unlawfully discriminating against persons based upon a legally protected classification; socio-economic status; or cultural heritage. When enacting laws pursuant to this Charter, the City Council must include a finding that such laws will not unduly burden a person's ability to

pursue economic opportunities and safe and legal residential housing.

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IV. Governance; Elections.

A. City Council. The City Council is comprised of five persons elected in accordance with this Charter and applicable law. Except as otherwise provided by applicable law, persons currently holding office, and within six months after holding office, are ineligible to hold any other office or employment with the City. Except as otherwise provided by this Charter or the California Constitution, the City Council is vested with all powers of the City.

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C. Officers. The City's officers are the five members of the City Council, the City Manager, the City Attorney, and the City Clerk. The City Council will appoint the City Manager, City Attorney, and City Clerk.

D. Districts. Any change to district elections as it exists at the time this Charter becomes effective must be made by ordinance adopted by a four-fifths vote of all members of the City Council.

E. Emergency Services Coordination. The City Council will review the City's local emergency preparedness plan on a regular basis in accordance with California law.

F. Reconsideration. Beginning in the year 2021, when decennial census data gathered pursuant to Article 1, Section 2 of the United State Constitution becomes available, the City Council may hold a public hearing to determine whether to change the manner of district voting in accordance with IV(D) of this Charter and then applicable law.

V. Revenue.

The City Council is authorized to, by ordinance or resolution, establish standards, procedures, rules or regulations to identify, solicit, receive, or generate revenue for the public benefit of any kind. In doing so, the City Council is specifically (but without limitation) authorized to undertake the following actions:

A. Public Financing. The City, by ordinance, may establish standards, procedures, rules or regulations related to any public financing.

B. Franchises. The City, by ordinance, may acquire, develop, or operate any public utility. It may also, by ordinance, grant franchises to a public utility that proposes to use or is using

public streets, highways or other rights-of-way.

C. Enterprises. The City may own and operate any enterprise the City Council finds necessary to benefit the public welfare.

D. Fiscal Responsibility and Stability. The City must maintain sustainable public finances; ensure City policies aids economic growth; and invest appropriate levels of public resources to support infrastructure, recreation, and public safety. While doing so, the City Council must ensure that it holds at least 20% of the City's general fund revenue in reserves. Upon declaring a fiscal emergency by 4/5 vote, the City Council may reduce this percentage to a level that is reasonable under the circumstances of the fiscal emergency.

VI. Intergovernmental Immunity.

A. City Revenues. All revenues generated or collected by the City for any public purpose cannot be involuntarily retained, attached, withdrawn or otherwise taken by any other governmental entity including, without limitation, the state of California or any of its subdivisions.

B. Uncompensated Mandates. Elected or appointed person acting on the City's behalf cannot be compelled to perform services by any other governmental entity including, without limitation, the state of California or any of its subdivisions, without adequate compensation.

VII. Public Works Projects.

The City Council may, by ordinance, establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, without limitation, the compensation rates to be paid for the performance of such work. In doing so, the City Council should utilize best practices, avoid discrimination, encourage diversity, and may incorporate the following concepts:

A. Projects must be competitively bid. Contracts should be awarded to the lowest responsible bidder as defined in this Charter or the City should reject all bids. The lowest responsible bidder may be selected on the basis of the best value to the City.

B. "Best value" means a procurement process whereby the lowest responsible bidder may be selected on the basis of objective criteria for evaluating the qualifications of bidders with the resulting selection representing the best combination of price and qualifications.

C. Minimum Wage. The City Council may establish criteria to determine whether a project qualifies for payment of a minimum wage less than that ordinarily prevailing for work performed on public works projects as defined by California law. In lieu of paying a minimum prevailing wage generally required by California law for public works projects, the City Council may enter into a "project labor agreement" that establishes terms and conditions of employment for a specific construction project or projects and is an agreement described in 29 United States Code § 158(f).

VIII. Interpretation; City Council Authority; Continuity of Existing Laws.

A. Construction and Interpretation. This Charter must be broadly construed in order to achieve its purposes. It is the intent of the voters that the provisions of this Charter be interpreted and implemented by the City in a manner that liberally facilitates the City's exercise of powers regarding any matter that constitutes a municipal affair.

B. The People acknowledge that new information and future events may demonstrate that interpretation of this Charter is appropriate with respect to the details of implementing this Charter. The People desire, therefore, to retain a certain degree of flexibility with respect to the details of implementing those items addressed in general terms in this Charter. If and when, from time to time, the City Council finds that interpretation of this Charter is necessary, then such interpretation may be accomplished by written resolution adopted upon four-fifths vote of all members of City Council.

C. City Council Authority. Except for amendments that would frustrate the powers and authority set forth in this Charter, the City Council may exercise all applicable powers set forth in the California Government Code including, without limitation, implementing all aspects of this Charter by ordinance or resolution.

D. Continuity. Nothing in this Charter is intended to, nor does it, repeal any provision of the Bellflower Municipal Code as it existed on the effective date of this Charter. Nor does the Charter

affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Charter's effective date.

E. Severability. If any part of this Charter or its application is deemed invalid by a court of competent jurisdiction, the People intend that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Charter are severable.

F. Invalidity. If any portion of this Charter is held by a court of competent jurisdiction to be invalid, we the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Charter by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Charter, and then adopting or reenacting such portion as necessary or desirable to implement this Charter.

G. Amendment. Any amendment to this Charter must be accomplished by then existing California law and with a majority of voter approval.

Jeff Stewart

From: Juan Garza
Sent: Tuesday, October 22, 2019 10:47 PM
To: Jeff Stewart
Subject: 10/28/19 City Council Meeting - City Charter Consideration Item

TO: Honorable Mayor and Members of the City of Bellflower City Council

As you may remember, I will not be present during this coming Monday's City Council meeting due to my panel participation at the City Fiscal Conditions event that same day in Washington, DC at the invitation of the National League of Cities. I'm sorry I will not be able to attend our City Council meeting, but I'm thankful for the opportunity to represent and give visibility to our City at this national event.

I am proud to have served as a member of the City's Charter Ad Hoc Committee, which was comprised of many outstanding and upstanding members of our community, including our colleague Council Member Raymond Hamada. After many, many hours of work and days of meetings, I am excited to see that our committee's work will be considered by you, my colleagues on the City Council on October 28, for potential inclusion and recommendation to our city's voters in 2020.

While our ad hoc worked hard to consider multiple scenarios that could arise in the future, I welcome your review of our proposed draft City Charter, to enhance it and make it the best it can be. We undertook this effort with much pride, responsibility, focus and foresight...all with the unified interest of protecting our City and best decide its future ourselves as Bellflorians.

I feel we have produced a draft City Charter to be proud of, flexible yet protective, insightful and strong, and one our residents will ultimately be proud to call their own next year, after your review and consideration on Monday.

Should you have any questions on any element of the work we performed and produced, please do not hesitate to contact me. I look forward to hearing the results of your review. Go Bellflower!

Juan

Juan Garza
Mayor Pro Tem
City of Bellflower